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# United States District Court

## EASTERN DISTRICT OF NORTH CAROLINA

STEVEN JOHN MULLENIX,  
Plaintiff,

v.

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ROBIN BARNES and THE OWNERS and  
MANAGEMENT (HERMAN) OF RED AND  
WHITE GROCER, LAWRENCEVILLE, VA,  
Defendant.

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**JUDGMENT IN A CIVIL CASE**  
**CASE NO. 5:09-CV-515-F**

### Decision by Court.

IT IS ORDERED AND ADJUDGED that after an independent review of the M&R and the record, the court concludes that the M&R is, in part, correct and in accordance with the law. Specifically, the court ADOPTS the portion of the M&R recommending that the Defendants' Motion to Dismiss for lack of personal jurisdiction be allowed. The court declines to adopt the portion of the M&R recommending that the Defendants' Motion to Dismiss for failure to state a claim be allowed.

For the above reasons, the Defendants' Motion to Dismiss [DE-15] is ALLOWED and the Defendants' Motion to Dismiss [DE-17] is DENIED as moot. The Clerk of Court is DIRECTED to close this case.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **August 24, 2010**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

Steven John Mullenix (via regular mail - 3727 NC Highway 58, Warrenton, NC 27589)  
Torin Fury (via CM/ECF Notice of Electronic Filing)  
James D. Secor, III (via CM/ECF Notice of Electronic Filing)

August 24, 2010  
Date

*Wilmington, North Carolina*

DENNIS P. IAVARONE  
Clerk of Court

/s/ Susan K. Edwards  
(By) Deputy Clerk